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Federal Agencies

February 2, 2007

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Art Unit 1632

Attn: Mail Stop Amendment

Re: U.S. Utility Patent Application  
Application No. 10/658,688; Filed: September 10, 2003  
For: **Codon-Optimized Polynucleotide-Based Vaccines Against *Bacillus anthracis* Infection**  
Inventor: Gary G. HERMANSON  
Our Ref: 1530.0460002/EJH/U-W

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Credit Card Payment Form (PTO-2038) in the amount of \$180.00 to cover: Submission of IDS After-Final;
2. Second Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(d);
3. Form PTO/SB/08A (1 page) citing one (1) document (FP1);
4. Form PTO/SB/08B (1 page) citing one (1) document (NPL5);
5. Copies of the cited documents (FP1 and NPL5); and
6. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
February 2, 2007  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Elizabeth J. Haanes", is written over the printed name.

Elizabeth J. Haanes, Ph.D.

Agent for Applicant

Registration No. 42,613

EJH/U-W:trh  
Enclosures

637368\_1.DOC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary G. HERMANSON

Appl. No.: 10/658,688

Filed: September 10, 2003

For: **Codon-Optimized Polynucleotide-  
Based Vaccines Against *Bacillus*  
*anthracis* Infection**

Confirmation No.: 3461

Art Unit: 1632

Examiner: Singh, Anoop Kumar

Atty. Docket: 1530.0460002/EJH/U-W

**Second Supplemental Information Disclosure Statement  
Under 37 C.F.R. § 1.97(d)**

*Mail Stop Amendment*

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicant's First Supplemental Information Disclosure Statement filed on August 26, 2005 in connection with the above-captioned application.

Copies of **FP1** and **NPL5** are submitted.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

02/05/2007 MAHRED1 00000048 10658688

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Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Second Supplemental Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of a Final Rejection.

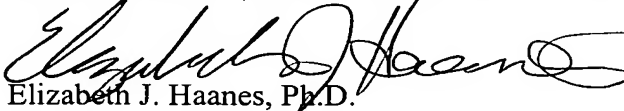
In accordance with 37 C.F.R. § 1.97(d)(1) and 37 C.F.R. § 1.97(e)(1), the undersigned hereby states that the information contained in the accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

In accordance with 37 C.F.R. § 1.97(d)(2) enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



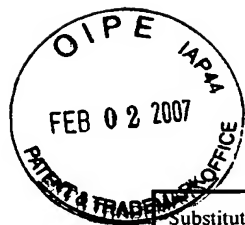
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## SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

### Complete if Known

Application Number	10/658,688
Filing Date	September 10, 2003
First Named Inventor	HERMANSON, Gary G.
Art Unit	1632
Examiner Name	SINGH, Anoop Kumar
Attorney Docket Number	1530.0460002/EJH/U-W

Sheet 1 of 1

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	NPL5	Supplemental European Search Report for European Application No. EP 03 77 0296, mailed December 29, 2006, European Patent Office, The Hague	

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Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.